

AGENDA

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES AND BASEBALL

November 13, 2006
Aldermen Lopez, Gatsas,
Smith, DeVries, Roy

5:15 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Lopez calls the meeting to order.
2. The Clerk calls the roll.
3. Petition to discontinue a portion of So. Bedford Street.
(Note: Tabled in CIP Committee on 07/11/2006. On July 11, 2006, the Board of Mayor and Aldermen voted to refer this matter to this Committee also.)
Ladies and Gentlemen, what is your pleasure?
4. Communication from Randy Sherman, Interim Finance Officer, submitting a request on behalf of the NH Fishercats and the Eastern League of Professional Baseball Clubs to change the timing agreement of the Guaranteed Minimum Payment, per section 7.1.1 of the Operations Agreement.
Ladies and Gentlemen, what is your pleasure?
5. Any other business which may come before the Committee.
6. If there is no further business, a motion is in order to adjourn.



**City of Manchester
Department of Finance**

One City Hall Plaza
Manchester, New Hampshire 03101
Phone: (603) 624-6460
Fax: (603) 624-6549

November 8, 2006


Alderman Mike Lopez, Chairman
Special Committee on Riverfront Activities & Baseball
C/o Leo Bernier, City Clerk
One City Hall Plaza
Manchester, NH 03101

Dear Alderman Lopez and committee members:

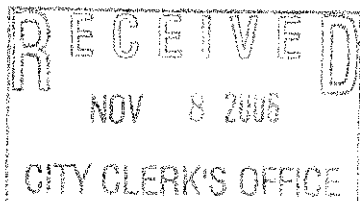
Attached please find information from Karl Stone of the New Hampshire Fishercats, as well as Joe McEacharn of the Eastern League of Professional Baseball Clubs, requesting a change to the timing agreement of the Guaranteed Minimum Payment, per section 7.1.1 of the Operations Agreement. Also enclosed is a copy of Section 7.1.1 for your reference.

Please feel free to contact our office if you have any questions.

Thank you,


Randy Sherman

Cc: Mayor Frank Guinta



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NEW HAMPSHIRE FISHER CATS

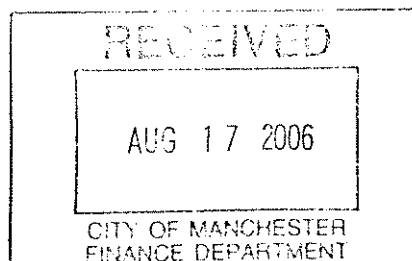
Double-A Affiliate of the Toronto Blue Jays®

One Line Drive
Manchester, NH 03101

Tel: (603) 641-2005

Fax: (603) 641-2055

www.nhfishercats.com



August 16, 2006

Mr. Kevin Clougherty
Finance Director
City of Manchester
One City Hall Plaza
Manchester NH 03101

Dear Kevin:

Please accept this letter as a formal request for NH Triple Play LLC to change the timing of the Guaranteed Minimum Payment per section 7.1.1 of the Operations Agreement to April 1, and September 1. This change will better match the cash flow of the operation. I can be available for any questions from anyone regarding this request, my direct dial is 606-4107. I will follow up with you next week. Thank you in advance for your attention regarding this matter.

Sincerely,

Karl E. Stone
Corporate Controller

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EASTERN LEAGUE

OF PROFESSIONAL BASEBALL CLUBS, INC.

Joseph R. McEacharn
President

October 18, 2006
Mr. Randy Sherman
Deputy Finance Director
City of Manchester
One City Hall Plaza
Manchester NH 03101

Dear Randy:

We have received an inquiry from the Fisher Cats regarding a change in the Operations Agreement the team has with the city. It is my understanding the Fisher Cats are requesting a change of the timing of the Guaranteed Minimum Payment per section 7.1.1 of the agreement to April 1, and September 1. If this change is approved by the city the Eastern League has no objection and will approve the change. It is my understanding the change is being requested to better match the cash flow of the Fisher Cats operation. If any more information is required to facilitate this change, please feel free to contact me at 207-761-2700.

Best regards,

Joe McEacharn
President

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20-36 Danforth Street, Suite 208 • Portland, ME 04101 • Phone (207) 761-2700 • Fax (207) 761-7064

E-mail: elpb@easternleague.com • Website: www.easternleague.com

• Serving the Northeast with Exciting Class AA Baseball •

operations of the Manager. Such inspection rights of the City shall be in addition to and not in derogation of the City's rights to enter upon the Real Property and the Ballpark to exercise its rights under Section 14.2.

ARTICLE 7 MANAGER PAYMENTS

Section 7.1. Guaranteed Payment.

7.1.1. Guaranteed Minimum Payment.

(a) Commencing in 2005 the Manager shall pay to the City a Guaranteed Minimum Payment each year during the Term. The Manager shall make the Guaranteed Minimum Payment in of two equal installments on February 1 and July 1 of each year during the Term. The Guaranteed Minimum Payment shall remain fixed at \$750,000 per year for the first ten (10) years of this Agreement, based on the City's Debt Issuance Agreement totaling \$25,000,000. Thereafter, in each subsequent year for the remainder of the Term, the amount of the Guaranteed Minimum Payment from the prior year shall be increased by a percentage equal to the lesser of (i) the increase in the Consumer Price Index (or, if not available, the City's reasonable determination of an alternate measure) using 2013 as the base year to measure increases from or (ii) 5%. Absent manifest proven error by the City, the City's determination of the amount of the Guaranteed Minimum Payment to be paid for any given period shall be final and conclusive.

(b) The Manager shall make the Guaranteed Minimum Payment each year during the Term irrespective of the Net Revenue in any one Fiscal Year or all Fiscal Years. Notwithstanding any term or provision in this Agreement to the contrary, the Guaranteed Minimum Payment shall be due and paid by the Manager without regard to any intervening circumstances or events, including, but not limited to, any *force majeure* events or having to manage and operate the Club and cause the Club to play Club Home Games at Gill Stadium after April 1, 2005.

7.1.2. Additional Minimum Payment. If the City's Debt Issuance Amount exceeds \$25,000,000, the Guaranteed Minimum Payment paid by the Manager each year will be increased to compensate the City in full for the total cost to the City over the Term of this additional financing.

Section 7.2. Net Revenue Participation.

7.2.1. Participation Payment. In addition to any Guaranteed Minimum Payment made in accordance with Section 7.1, the Manager shall pay to the City a percentage share of the Net Revenues in each Fiscal Year (the "Participation Payment"). The Participation Payment in any Fiscal year shall be an amount equal to 25% of Net Revenues in such Fiscal Year in excess of \$975,000.

7.2.2. Participation Payment Adjustment. If (i) the total Assessed Value in any year of (x) the Master Lease Land plus (y) the Railroad Land in such year, minus (z) the Railroad Land for 2003 (the "Total Benefited Value") exceeds (ii) a threshold of \$80,000,000, then, (iii)

CIP / 7-11-06 Tabled
Cmt 8-14-06 Reopened
10-23-06 Reopened

MEMORANDUM

TO: CIP Committee

Michael Garrity, Chairman
Daniel P. O'Neil
Ed Osborne
Theodore L. Gatsas
Jerome Duval

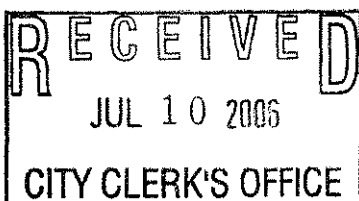
FROM: Paul J. Borek
Economic Development Director

DATE: July 10, 2006

SUBJECT: Discontinuance of South Bedford Street, South of Depot Street

This is to transmit a request to discontinue the remaining portion of South Bedford Street, south of Depot Street. This request is being made to accommodate valet parking for the proposed Riverfront Project, Boneyards Restaurant, proposed by Robert O'Sullivan. Access to a site for parking is required by the developer's financial institution. The availability of valet parking on this portion of South Bedford Street will fulfill this requirement.

If discontinued, Mr. O'Sullivan has proposed leasing this site from the city for valet parking service. An easement would be maintained to serve the access needs of adjacent property owners.



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A PETITION TO DISCONTINUE A PORTION OF SOUTH BEDFORD STREET

The undersigned, Paul J. Medo, respectfully represents that for the accommodation of the public, there is occasion for discontinuing a portion of a certain highway known as South Bedford Street in Manchester, New Hampshire as shown on a plan entitled "Manchester Millyard Housing Authority N.H. R-7 Amoskeag Millyard Project Proposed Resubdivision & Disposition Plan of Parcels 14, 1-5, 1-6 & 1-16" dated November 16, 1975 with revisions by Thomas F. Moran, Inc. and recorded at the Hillsborough County Registry of Deeds as plan 10240. The lay out of the full length of the highway is recorded in book 17 at page 90 of the records of the Highways, Streets and Bridges of the City Clerk of the City of Manchester.

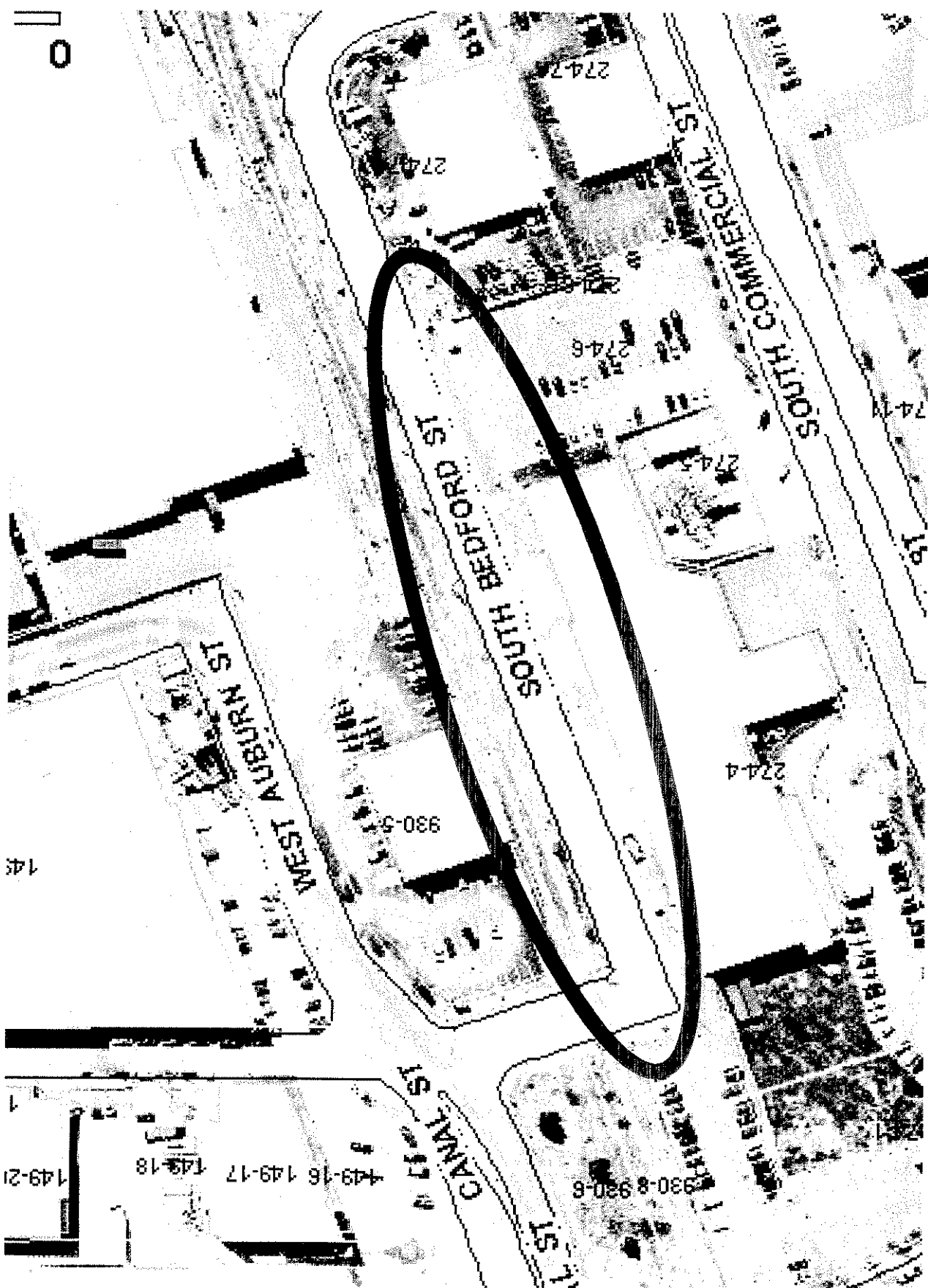
NOW THEREFORE, the undersigned hereby respectfully requests you to discontinue above-described portion of South Bedford Street, and that is henceforth not be utilized for public rights.

DATED this 10 th day of July, 2006.

A Legal Description of the portion of South Bedford Street to be discontinued by this petition.

The remaining portion of South Bedford Street, between the southerly line of parcel 1-16.9 of said plan and an easterly extension of the line between parcel 1-4 and 1-5 of said plan, in the City of Manchester, County of Hillsborough, State of New Hampshire, more particularly bounded and described as follows:

Beginning at the northwest corner of South Bedford Street; thence, N70°10'10"E 48.57' by the southerly line of parcel 1-16.9 to the easterly line of South Bedford Street; thence, S20°02'40"E by the easterly line of said street 600.37' to the terminus of the formerly discontinued portion of the street; thence, S 69° 57' 20"W 48.57' by the discontinued portion of the street to the westerly line of said street; thence, N20°02'40"W 600.34' along the westerly line of the said street to the point of beginning.



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**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

July 10, 2006

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: Discontinuance of a portion of South Bedford Street

Dear Committee Members,

We have reviewed the referenced item and have found the following:

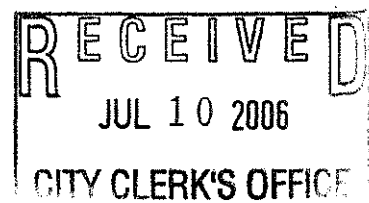
The current location of South Bedford Street was one of the streets listed in "Dedication of Street Amoskeag Millyard Urban Renewal Project" by Manchester Housing Authority dated January 23, 1980 and was accepted by the Board of Mayor and Aldermen. Being an accepted City Street the discontinuance needs a public road hearing with abutter notification.

The Highway Department supports the discontinuance petition in conjunction with the proposed Riverfront Development Project.

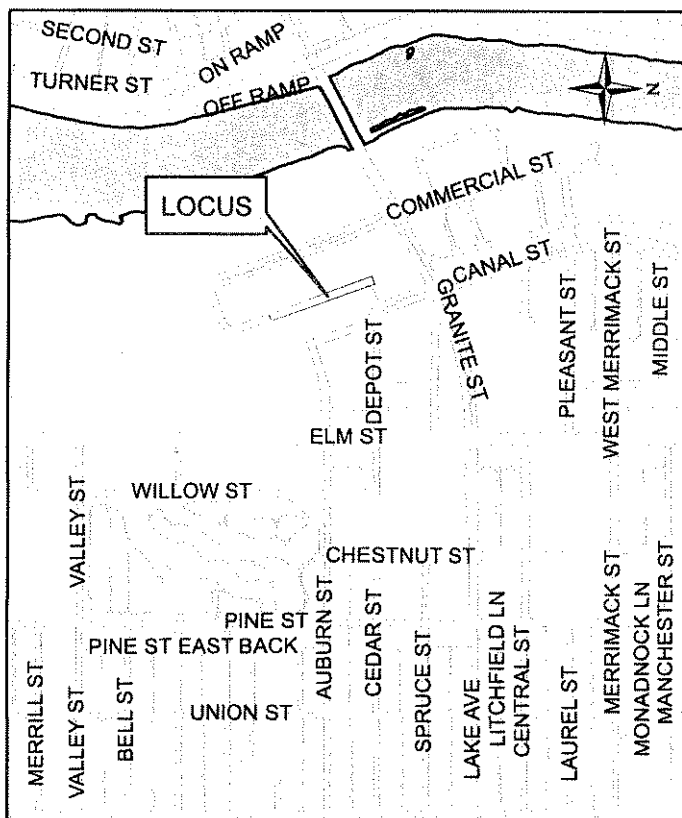
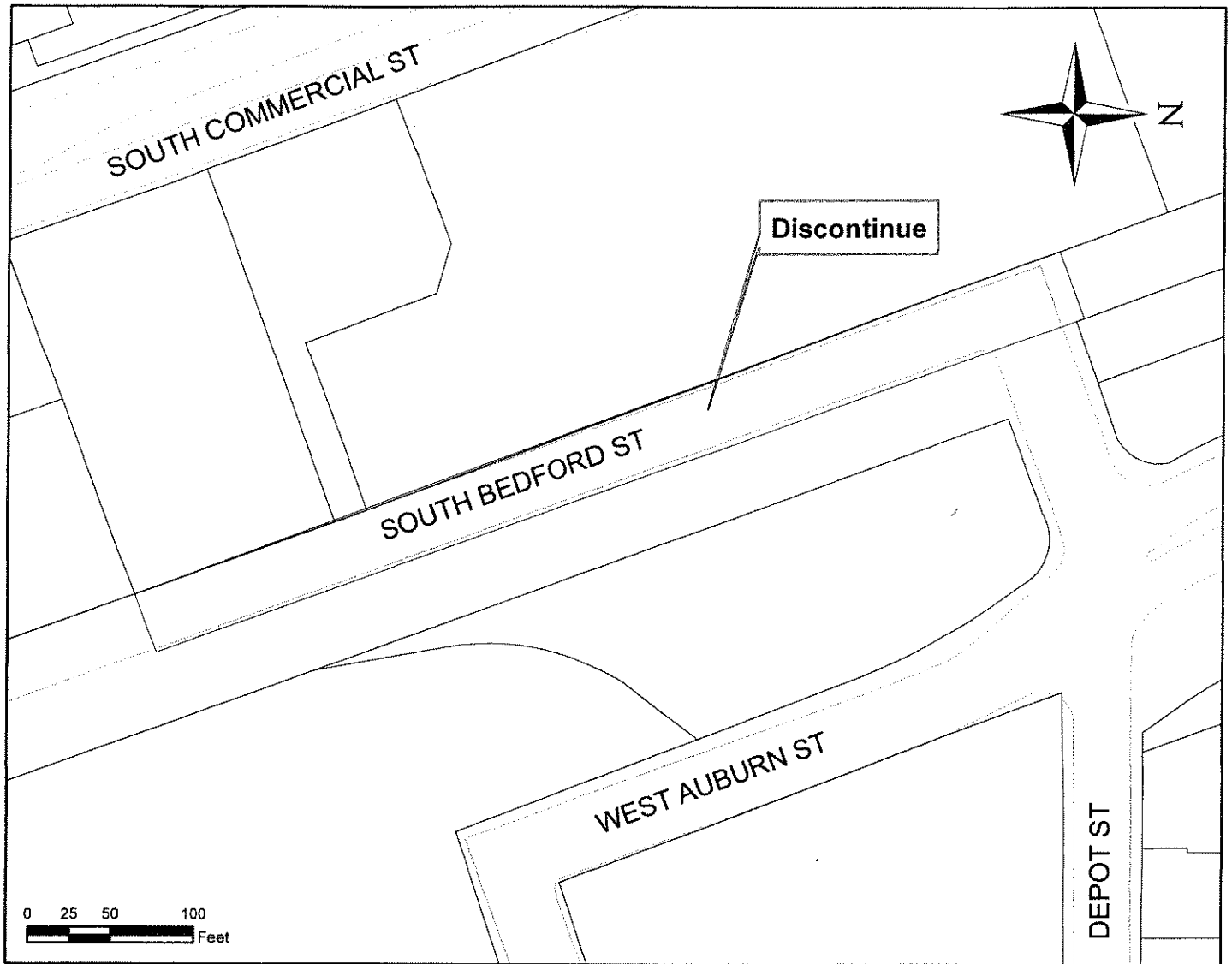
Sincerely,

Frank Thomas, P.E.
Public Works Director

MJM
cc: File
cc: Paul Borek



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Proposed Street Discontinuance
South Bedford Street



Manchester, NH
 February 13, 2006

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Mayor Guinta called the meeting back to order.

OTHER BUSINESS

16. A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2003 and 2007 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Four Thousand Dollars (\$4,000.00) for the 2007 CIP 412007 Police Substation – Eastside Project.”

“Authorizing the Finance Officer to effect a transfer of Four Thousand Dollars (\$4,000) for the 2007 CIP 412007 Police Substation – Eastside Project.”

ought to pass and be Enrolled.

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Finance. Alderman DeVries duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

17. Report of the Committee on Community Improvement relative to a petition for discontinuance of a portion of So. Bedford Street, if available.

Deputy Clerk Kang advised that the petition for discontinuance of a portion of So. Bedford Street was tabled in Committee this evening, therefore, there was no report. However, there are two other reports to be presented at this time.

Alderman Duval moved to refer the matter pertaining to So. Bedford Street to the Special Committee on Riverfront Activities. Alderman Lopez duly seconded the motion.

Mayor Guinta stated I'm having a hard time trying to remember where you are.

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Mayor Guinta called for a vote on the motion. There being none opposed, the motion passed.

Alderman Duval moved that any department heads remaining in this building as of this morning who does not have any items left on the agenda may be allowed to leave. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Community Improvement was presented advising that it has approved the allocation of FY2007 Motorized Equipment Replacement (MER) funds, as enclosed herein.
(Unanimous vote)

A second report of the Committee on Community Improvement was presented recommending that the Parks, Recreation and Cemetery Department be authorized to enter into an agreement with the West Jr. Deb Softball League providing them with \$75,000 to procure lighting and other desired field improvements negotiated with private contractors by the league, subject to the review and approval of the City Solicitor.

The Committee notes that the Parks Department will oversee all improvements ensuring standards and specifications are appropriate; and, further that the agreement is consistent with city procedures which allows for the desired improvements by the softball league.
(Unanimous vote)

18. Report of the Committee on Lands and Buildings relative to the Ash Street School, if available.
19. State Legislative update presented by Mayor Guinta, if available.



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

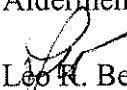
Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

MEMORANDUM

To: Members, Committee on Community Improvement
Aldermen Garrity, O'Neil, Osborne, Gatsas, Duval

From: 
Leo R. Bernier
City Clerk

Date: July 10, 2006

Re: Petition for Discontinuance of a portion of So. Bedford Street,
South of Depot Street

Enclosed please find a copy of a communication from Paul Borek relative to the above-referenced.

Please note this item will be addressed at the July 11th meeting of the Committee as item 4 of the agenda.

Enclosure

LeBlond-Kang, Paula

To: Ludwig, Ron
Subject: RE: CIP Cmte. Meeting

Back at you with my thanks...

From: Ludwig, Ron
Sent: Tuesday, August 08, 2006 9:27 AM
To: LeBlond-Kang, Paula
Cc: Deprima, Charles; O'Rourke, Jonathan
Subject: RE: CIP Cmte. Meeting

Hi Paula,

I think the Committee has everything it could possible need from us. If my memory serves me correctly, our issues, if they appear on the agenda, will be, **JFK Coliseum improvements, Black Brook Playground**, Jonathan O'Rourke, our Parks Planner, is working on this as I type and this information may not be ready for the Wednesday deadline. Information on the **Bass Island land** acquisition should be already in place. Bob McKenzie needs to provide a source of funds from which we can draw from to do the environmental study on the property.

Again, thanks for the heads up.

Ron.

From: LeBlond-Kang, Paula
Sent: Tuesday, August 08, 2006 8:41 AM
To: MacKenzie, Robert; Maranto, Samuel; Provencher, Robin; DEPT_HEADS
Cc: Johnson, Carol
Subject: CIP Cmte. Meeting

Please be advised that Chairman Garrity has scheduled a CIP meeting for Monday, August 14th. We are not yet sure of the time, however, you will be notified as soon as its been set. Please have all items to this office no later than Wednesday, August 9th in the morning. Thank you.

Paula LeBlond-Kang
Deputy Clerk
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101
(603) 624-6480 (work)
(603) 624-6481 (fax)

8/8/2006

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